

IN THE CIRCUIT COURT OF GARLAND COUNTY, ARKANSAS

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TIMOTHY J. LEATHERS, COMMISSIONER OF
REVENUE, ARKANSAS DEPARTMENT OF
FINANCE & ADMINISTRATION

STATE OF ARKANSAS
CIRCUIT CLERK
BY

PLAINTIFF

vs. Lien Case No. TJ-27822

Q. B. Hurst
346 Lake Hamilton Drive
Hot Springs, AR 71913

DEFENDANT

vs.

Summit Bank
Attn: Garnishments
12915 Cantrell
Little Rock, AR 72223

GARNISHEE

CERTIFICATE OF SERVICE

The undersigned attorney certifies that the Writ of Garnishment, Interrogatories, Notice to Defendant and Verified Statement of Account have been duly served on the Garnishee by USPS certified mail at 12915 Cantrell, Little Rock, AR 72223 and on Defendant by USPS first class mail at 346 Lake Hamilton Drive, Hot Springs, AR 71913 on the 6th day of January, 2010 .

Michael Wehrle

Michael Wehrle, Attorney
Office of Revenue Legal Counsel



STATE OF ARKANSAS
**Department of Finance
and Administration**

REVENUE LEGAL COUNSEL
Post Office Box 1272, Room 2380
Little Rock, Arkansas 72203-1272
Phone: (501) 682-7030
Fax: (501) 682-7599
<http://www.state.ar.us/dfa>

January 6, 2010

Ms. Vicki Rima
Garland County Circuit Clerk
207 Courthouse
501 Ouachita Avenue
Hot Springs, AR 71901

RE: WRIT OF GARNISHMENT
Q. B. Hurst
Lien Case No. TJ-27822

Dear Ms. Rima:

Please find enclosed a signed Certificate of Service. Please file this Certificate in your records on this Lien and Writ. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Michael J. Wehrle".

Michael J. Wehrle, Attorney
Office of Revenue Legal Counsel

MJW/na

cc: file

Enclosure

IN THE CIRCUIT COURT OF GARLAND COUNTY, ARKANSAS

TIMOTHY J. LEATHERS, COMMISSIONER OF
REVENUE, ARKANSAS DEPARTMENT OF
FINANCE & ADMINISTRATION

PLAINTIFF

vs. Lien Case No. TJ-27822

Q. B. Hurst
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Hot Springs, AR 71913

DEFENDANT

vs.

Summit Bank
Attn: Garnishments
12915 Cantrell
Little Rock, AR 72223

GARNISHEE

WRIT OF GARNISHMENT
INTERROGATORIES and NOTICE

NOTICE TO GARNISHEE:

FAILURE TO ANSWER THIS WRIT WITHIN 20 DAYS OR FAILURE TO ANSWER THE INTERROGATORIES ATTACHED HERETO MAY RESULT IN THE COURT ENTERING A JUDGMENT AGAINST YOU AS PROVIDED BY §16-110-407.

1. Pursuant to §26-18-701, Plaintiff filed one (1) Certificate of Indebtedness against Defendant *Q. B. Hurst* (Acct.***-**-5124), for unpaid 2002 Arkansas income tax. This Certificate of Indebtedness was filed on or about the following date, in the following amount, and recorded under the following case number:

<u>Lien Case No.</u>	<u>Dated</u>	<u>Amount</u>	<u>Tax Period</u>
TJ-27822	8/15/05	\$10,050.25	2002

This judgment remains unsatisfied.


2. The indebtedness referred to in paragraph 1 is for a state tax levied by the General Assembly of the State of Arkansas.

3. Defendant remains justly indebted to Plaintiff in the sum of **\$6,487.88** plus costs and post-judgment interest at the rate of 10% per annum.

4. Garnishee may be indebted to the Defendant or may have in its possession goods, chattels, monies, credits or effects belonging to Defendant.

WHEREFORE, Garnishee is hereby summoned and commanded to file an Answer with the Circuit Clerk of this Court, providing a copy to Plaintiff's attorney, within twenty (20) days after the service of this summons, stating what goods, chattels, monies, credits and effects it may have in its possession belonging to the Defendant, and further answering fully and under oath the following Interrogatories.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of this Court of Garland County, Arkansas, on this 9 day of January, 2010.

Vicki E. Rimo 
~~Garland County Circuit Clerk~~

**NOTICE TO DEFENDANT OF
YOUR RIGHT TO KEEP MONEY AND
OTHER PROPERTY FROM BEING GARNISHED**

The Writ of Garnishment delivered to you with this Notice means that a bank account belonging to you has been garnished in order to pay a court judgment against you. YOU SHOULD THEREFORE REVIEW THIS NOTICE CAREFULLY.

State and federal law provide that certain money and property may not be taken to pay certain types of court judgments. Such money or property is said to be "exempt" from garnishment. For example, under the Arkansas Constitution and state law, you may be able to claim as exempt all or part of your property. Under federal law, the following payments are exempt from garnishment: Social Security, SSI, Veteran's Benefits, AFDC, unemployment compensation and worker's compensation.

You have the right to ask for a court hearing to claim any exemptions. If you require legal advice or assistance, you should contact a lawyer. If you cannot retain a private lawyer, you may contact your local bar association or ask the clerk's office about any Legal Services program in your area.

INTERROGATORIES TO GARNISHEE

INTERROGATORY NO. 1: On or after the date of service of this Writ of Garnishment, were you indebted to the Defendant? If so, how and in what amount; if not, when and in what amount will you become indebted to the Defendant?

INTERROGATORY NO. 2: On or after the service of this Writ of Garnishment, did you have in your possession any goods, chattels, monies, credits or effects belonging to the Defendant and if so, what was and is the nature and value thereof?

INTERROGATORY NO. 3: On or after the date of service of this Writ of Garnishment, did you transfer any goods, chattels, monies, credits or effects belonging to the Defendant in response to a levy or any other garnishment? If so, to whom, in what amount and when will that levy or garnishment expire?

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M. E. RIVA
CLERK

VERIFIED STATEMENT OF ACCOUNT

Original Judgment:	\$10,050.25
Post-judgment interest calculated through December 29, 2009, at the rate of 10% per annum (.08333 per month):	\$ <u>641.60</u>
Total through December 29, 2009:	\$10,691.85
Less Payment/Credits:	\$ <u>4,203.97</u>
Balance Due:	\$ 6,487.88

ARKANSAS DEPARTMENT OF FINANCE
& ADMINISTRATION

By: Michael J. Wehrle
Michael J. Wehrle, Attorney
OFFICE of REVENUE LEGAL COUNSEL
P.O. Box 1272, Rm. 2380
Little Rock, AR 72203
Telephone No. (501) 682-7030

IN THE CIRCUIT COURT OF GARLAND COUNTY, ARKANSAS

TIMOTHY J. LEATHERS, COMMISSIONER OF
REVENUE, ARKANSAS DEPARTMENT OF
FINANCE & ADMINISTRATION

VS.

NO. TJ-27822

Q. B. HURST

SUMMIT BANK

FILED
PLAINTIFF
2010 JAN 13 PM 12 50

CLERK

Debra Helms

DEFENDANT

GARNISHEE

**GARNISHEE'S ANSWER TO WRIT OF GARNISHMENT
AND ALLEGATIONS AND INTERROGATORIES**

Comes now the Garnishee, and for its answer to the Writ of Garnishment and Allegations and Interrogatories, states:

ALLEGATION FIRST: That the said Garnishee herein was, on and after the date of service of the Writ of Garnishment herein, indebted to the said defendant, Q. B. Hurst, in the amount of \$6,487.88, plus costs and post-judgment interest at the rate of 10% per annum.

ANSWER TO ALLEGATION FIRST: Denied, Garnishee as of January 11, 2010, had on deposit in Defendant's account the sum of \$192.52.

ALLEGATION SECOND: That said Garnishee, on and after the date aforesaid, had in its hands and possession certain goods, chattels, monies, credits and effects belonging to said Defendant of said value.

ANSWER TO ALLEGATION SECOND: Denied. Garnishee as of January 11, 2010, had on deposit in Defendant's account the sum of \$192.52.

ANSWERS TO INTERROGATORIES

INTERROGATORY FIRST: On or after the date of service of this Writ of Garnishment, were you indebted to the Defendant? If so, how and in what amount; if not, when and in what amount will you become indebted to the Defendant?

ACKNOWLEDGMENT

STATE OF ARKANSAS)

COUNTY OF CLARK)

Before me, the undersigned duly commissioned, qualified and acting Notary Public within and for the County and State aforesaid, personally appeared John A. Bryant, to me well known, and stated that he signed and acknowledged the foregoing instrument as his voluntary act and deed.

WITNESS my hand and seal this 11th day of January, 2010.



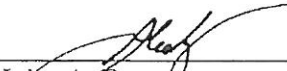
Sharla K. Anderson
Notary Public

My Commission Expires:

January 3 2015

CERTIFICATE OF SERVICE

I, John A. Bryant, do hereby certify that I mailed a copy of the above and foregoing Garnishee's Answer to Writ of Garnishment and Allegations and Interrogatories to Michael J. Wehrle, Attorney, Office of Revenue Legal Counsel, P. O. Box 1272, Room 2380, Little Rock, AR 72203-1272 on this 11th day of January, 2010.



John A. Bryant

X



Summit Bank

January 11, 2010

Garland County Circuit Clerk
Garland County Courthouse
501 Ouachita, Room #707
Hot Springs, AR 71901

Re: Garnishee's Answer to Writ of Garnishment
Circuit Court Case No. TJ-27822

Dear Clerk:

Enclosed please find the original and two (2) copies of Garnishee's Answer to the above referenced Writ of Garnishment. I would ask that after you have filed the answer that you please return to me a file marked copy of the same.

Sincerely,

John A. Bryant
In-House Counsel

JAB/ska
Enclosures

IN THE CIRCUIT COURT OF GARLAND COUNTY, ARKANSAS

TIMOTHY J. LEATHERS, COMMISSIONER OF
REVENUE, ARKANSAS DEPARTMENT OF
FINANCE & ADMINISTRATION

PLAINTIFF

vs.

Lien Case No. TJ-27822

Q. B. Hurst
346 Lake Hamilton Drive
Hot Springs, AR 71913

DEFENDANT

vs.

Summit Bank
Attn: Garnishments
12915 Cantrell
Little Rock, AR 72223

GARNISHEE

ORDER AGAINST GARNISHEE

On this day this matter is submitted on the Writ of Garnishment filed by Plaintiff and the Answer filed by Garnishee. The Court hereby finds:

1. That Garnishee has in its possession the sum of \$192.52 based on one or more bank accounts held by Garnishee in the name of Defendant.
2. That Defendant is indebted to Plaintiff in the sum of \$6,487.88 with interest from the date of garnishment at the rate of 10% per annum for 2002 Arkansas state income tax.

IT IS THEREFORE CONSIDERED AND ORDERED by the court that the Garnishee remit to the Plaintiff the sum of \$192.52, payable to the Arkansas Department of Finance and Administration, and that upon payment of the \$192.52, the Writ of Garnishment shall be satisfied and dismissed. The clerk is hereby authorized to credit \$192.52 against Lien case number TJ-27822.



CIRCUIT JUDGE

DATE

JAN 28 2010

PREPARED BY:

Michael J. Wehrle

Michael J. Wehrle, Attorney
Office of Revenue Legal Counsel
P.O. Box 1272, Room 2380
Little Rock, AR 72203
(501) 682-7030
FAX – (501) 682-7599

X



STATE OF ARKANSAS
**Department of Finance
and Administration**

REVENUE LEGAL COUNSEL

Post Office Box 1272, Room 2380
Little Rock, Arkansas 72203-1272
Phone: (501) 682-7030
Fax: (501) 682-7599
<http://www.state.ar.us/dfa>

January 25, 2010

Ms. Vicki Rima
Garland Country Circuit Clerk
207 Courthouse
501 Ouachita Avenue
Hot Springs, AR 71901

RE: WRIT OF GARNISHMENT
Q. B. Hurst
Lien Case # TJ-27822

Dear Ms. Rima:

Please find enclosed an Answer and three copies of an Order Against Garnishee in connection with the above referenced matter. **Please submit this order to the appropriate circuit judge for approval and signature.** Upon execution, please return the signed, file marked copies of the order to me in the enclosed S.A.S.E.

Sincerely,

A handwritten signature in cursive script that reads "Michael J. Wehrle".

Michael J. Wehrle, Attorney
Office of Revenue Legal Counsel

MJW/na

cc: Mr. Q. B. Hurst
346 Lake Hamilton Drive
Hot Springs, AR 71913

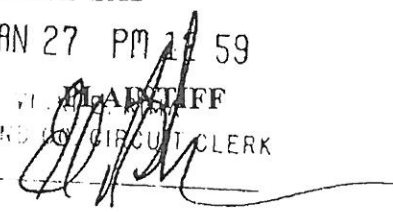
Enclosures

IN THE CIRCUIT COURT OF GARLAND COUNTY, ARKANSAS

FILED

2010 JAN 27 PM 11 59

TIMOTHY J. LEATHERS, COMMISSIONER OF
REVENUE, ARKANSAS DEPARTMENT OF
FINANCE & ADMINISTRATION

W. BLAIR
GARLAND COUNTY CIRCUIT CLERK
BY 

VS.

NO. TJ-27822

Q. B. HURST

DEFENDANT

SUMMIT BANK

GARNISHEE

**GARNISHEE'S ANSWER TO WRIT OF GARNISHMENT
AND ALLEGATIONS AND INTERROGATORIES**

Comes now the Garnishee, and for its answer to the Writ of Garnishment and Allegations and Interrogatories, states:

ALLEGATION FIRST: That the said Garnishee herein was, on and after the date of service of the Writ of Garnishment herein, indebted to the said defendant, Q. B. Hurst, in the amount of \$6,487.88, plus costs and post-judgment interest at the rate of 10% per annum.

ANSWER TO ALLEGATION FIRST: Denied, Garnishee as of January 11, 2010, had on deposit in Defendant's account the sum of \$192.52.

ALLEGATION SECOND: That said Garnishee, on and after the date aforesaid, had in its hands and possession certain goods, chattels, monies, credits and effects belonging to said Defendant of said value.

ANSWER TO ALLEGATION SECOND: Denied. Garnishee as of January 11, 2010, had on deposit in Defendant's account the sum of \$192.52.

ANSWERS TO INTERROGATORIES

INTERROGATORY FIRST: On or after the date of service of this Writ of Garnishment, were you indebted to the Defendant? If so, how and in what amount; if not, when and in what amount will you become indebted to the Defendant?

RECEIVED

JAN 13 2010

REVENUE LEGAL COUNSEL

ANSWER TO INTERROGATORY FIRST: Yes, Summit Bank is indebted to defendant herein, Garnishee as of January 11, 2010, had on deposit in Defendant's account the sum of \$192.52.

INTERROGATORY SECOND: On or after the service of this Writ of Garnishment, did you have in your possession any goods, chattels, monies, credits or effects belonging to the Defendant and if so, what was and is the nature and value thereof?

ANSWER TO INTERROGATORY SECOND: Yes, Summit Bank is indebted to defendant herein, Garnishee as of January 11, 2010, had on deposit in Defendant's account the sum of \$192.52.

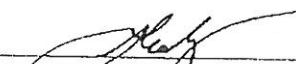
INTERROGATORY THIRD: On or after the date of service of this Writ of Garnishment, did you transfer any goods, chattels, monies, credits or effects belonging to the Defendant in response to a levy or any other garnishment? If so, to whom, in what amount and when will that levy or garnishment expire?

ANSWER TO INTERROGATORY THIRD: No, Summit Bank did not transfer any goods, chattels, monies, credits or effects belonging to the Defendant in response to a levy or any other garnishment.

VERIFICATION

State of Arkansas
County of Clark

I, John A. Bryant, Executive Vice President and In-House Counsel of Summit Bank, do hereby state on oath that the facts and information set forth above are true and correct to the best of my knowledge, information and belief.


By: John A. Bryant
Executive Vice President
Arkansas Bar #90129

ACKNOWLEDGMENT

STATE OF ARKANSAS)

COUNTY OF CLARK)

Before me, the undersigned duly commissioned, qualified and acting Notary Public within and for the County and State aforesaid, personally appeared John A. Bryant, to me well known, and stated that he signed and acknowledged the foregoing instrument as his voluntary act and deed.

WITNESS my hand and seal this 11th day of January, 2010.




Sharla K. Anderson
Notary Public

My Commission Expires:

January 3, 2015

CERTIFICATE OF SERVICE

I, John A. Bryant, do hereby certify that I mailed a copy of the above and foregoing Garnishee's Answer to Writ of Garnishment and Allegations and Interrogatories to Michael J. Wehrle, Attorney, Office of Revenue Legal Counsel, P. O. Box 1272, Room 2380, Little Rock, AR 72203-1272 on this 11th day of January, 2010.



John A. Bryant

X

